APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,597	05/10/2001	Thomas F. Chapman	E1001/251209	4921

23370	7590	02/11/2005

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

EXAMINER
RAYYAN, SUSAN F

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/852,597	CHAPMAN ET AL.
	Examiner	Art Unit
	Susan F. Rayyan	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2005*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-86* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-86 are pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the claims the limitation "substantially contemporaneously" is indefinite as to the amount of time that would be considered substantially contemporaneously .

4.   Claim 42 recites the limitation "the first type" in line 1. There is insufficient antecedent basis for this limitation in the claim. (Examiner interprets this claim to depend from claim 41)

5.   Claim 56 recites the limitation "the user file" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner interprets this claim to depend from claim 41.

Claim Objections

6.   Claims 41-86 are objected to because of the following: regarding the use of first type and second type of modifications, the monitoring system does not have a means of knowing what the change is, it does not distinguish between the first type (erroneous) and second type (change).

7.   Examiner was also unable to locate the reference in the specification to first type

of modification, second type of modification and erroneous modification. There is a

potential new matter issue.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section

102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under 37

CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

10. Claims 1-6, 9-12,14-16,18, 35-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Duhon (US 2001/0011245 A1) and "New Privista Product

Provides Early Warning System to Combat Identity Theft ID Guard to Build

Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000

(hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub.

No.: US 2002/0133462) in view of Schnall et al (2002/0116322).

As per independent claim 1 Duhon teaches:

"at least one server storing at least part of the credit reporting database, the credit

reporting database having a plurality of entries, at least one of the entries having a plurality

of elements, wherein each element can be modified by a datum collected from the plurality

of credit reporting agencies" at fig. 2 (Tuxedo Server);

" wherein the system is capable of generating a credit report for the user" at figs. 5-14.

Duhon does not explicitly teach "monitors the credit reporting database

modifications to at least one element selected by the user and ... sending a notification to

the user" however Warning System does teach these elements at the section entitled

"Features of ID Guard". Thus it would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to provide a means to alert the

consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

Duhon, Warning Systems and Shteyn do not explicitly teach adapted to continuously

monitor however Schnall does teach this limitation at parg. 28,, lines 4-8. It would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the

cited references to monitor financial status (parg. 33, lines 9-11).

As per claims2 same as claim arguments above and Shteyn teaches "wherein

the at least one computer program capable of sending the notification to more than one

destination specified by the user" at paragraph 4, lines 9-16.

As per claim 3 same as claim arguments above and Duhon teaches:

"wherein the plurality of elements correspond to at least a current address, a bankruptcy

indicator, and a tax lien indicator" at paragraph 46, lines 13,17.

As per claim 4 same as claim arguments above and Warning system teaches:

"at least one computer program comprises an e-mail server" at the section entitled

"Features of ID Guard".

As per independent claim 5 Duhon teaches:

 "a credit reporting database" at fig.2 (tuxedo server);

"the plurality of credit related data elements in the credit reporting database are collected

from a plurality of financial institutions" at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach "monitoring modifications on a plurality of credit

related data elements" and "wherein, the modifications being at least partially definable by

a user", "obtaining a selection of at least one credit related data element from the user","

monitoring the at least one credit related data element selected by the user"," and if there

is a change to the at least one credit related data element, notifying the user about the

change to the at least one credit related data element" however Warning Systems does

teach "monitoring modifications on a plurality of credit related data elements" at lines 20-

25, "wherein, the modifications being at least partially definable by a user" at Features of

ID Guard (feature 3), "obtaining a selection of at least one credit related data element from

the user" at Features of ID Guard (feature 3)," monitoring the at least one credit related

data element selected by the user" at Features of ID Guard (feature 3)," and if there is a

change to the at least one credit related data element, notifying the user about the change

to the at least one credit related data element" at Features of ID Guard (feature 2-3). Thus

it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the cited references to provide a means to alert the consumers of potential

identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

Duhon, Warning Systems and Shteyn do not explicitly teach continuously however

Schnall does teach this limitation at parg. 28,, lines 4-8. It would have been obvious to one

of ordinary skill in the art at the time of the invention to combine the cited references to

monitor financial status (parg. 33, lines 9-11).

As per claim 6 same as claim arguments above and Duhon teaches:

"prompting the user for an identification code" and "identifying the user" at paragraph 85.

As per claim 9 same as claim arguments above and Shteyn teaches "wherein the

notifying step further comprises sending a paging signal to the user" at paragraph 4, lines

9-16.

As per claim 10 same as arguments above and Duhon teaches:

"wherein the notifying step further comprises sending a credit change information through

a secure transmission media" at paragraph 85, lines 6-8.

As per claim 11,18 same as claim arguments above and Duhon teaches:

"wherein the at least one credit related data element is selected from a group consisting of

a current address, a bankruptcy indicator, a collections indicator, a legal items indicator, a

foreclose indicator, a tax lien indicator, a garnishment indicator, and an inquiry indicator" at

paragraph 85.

As per independent claim 12 Duhon teaches:

"a credit reporting database" at fig.2 (tuxedo server);

"the plurality of credit related data elements in the credit reporting database are collected

from a plurality of financial institutions" at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach "monitoring modifications on a plurality of credit

related data elements" and "wherein, the changes being at least partially definable by a

user", "allowing the user to make a selection of at least one credit related data element to

watch", "generating a credit file for the user, the credit file having the plurality of credit

related data elements", "comparing the plurality of credit related data elements in the

credit file with the selection", and "if the selection has a credit related data element that is

in the credit file, notifying the user" however Warning Systems does teach "monitoring

modifications on a plurality of credit related data elements" at lines 20-25 , "wherein, the changes being at least partially definable by a user" at Features of ID Guard (feature 3), "allowing the user to make a selection of at least one credit related data element to watch" at Features of ID Guard (feature 3), "generating a credit file for the user, the credit file having the plurality of credit related data elements" at lines 20-25,"comparing the plurality of credit related data elements in the credit file with the selection" and "if the selection has a credit related data element that is in the credit file, notifying the user" at Features of ID Guard (feature 2-3). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to provide a means to alert the consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

Duhon, Warning Systems and Shteyn do not explicitly teach continuously monitoring however Schnall does teach this limitation at parg. 28,, lines 4-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to monitor financial status (parg. 33, lines 9-11).

As per claim 14 same as claim arguments above and Warning Systems teaches: "further comprising modifying the selection" at Features of ID Guard (feature 3-4).

As per claim 15 same as claim arguments above and Shteyn teaches "wherein the notifying step further comprises sending a notification to a wireless communication device" at paragraph 4, lines 9-16.

As per claim 16 same as claim arguments above and Shteyn "wherein the notifying step further comprises sending a notification to a personal digital assistant" at paragraph 4, lines 8-9.

As per claim 35 same as claim arguments above and Warning Systems teach wherein the communication module is capable of receiving an instruction from the user to place a warning on an element in the credit reporting database at Features of ID Guard.

As per claim 36 same as claim arguments above and Warning Systems teach receiving a warning from the user regarding at least credit related data element at Features of ID Guard.

As per claim 37 same as claim arguments above and Warning Systems teach receiving a warning from the user regarding at least credit related data element in the credit file at Features of ID Guard.

11. Claims 19-20,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and Duhon (US 2001/0011245 A1) and Shteyn

(US Patent Application Publication, Pub. No.: US 2002/0133462) in view of Schnall et al (2002/0116322).

As per independent claim 19 Warning Systems teaches:

"inputting a selection of at least one credit related data element for monitoring" at Features of ID Guard (feature 3);

"providing a destination" " at Features of ID Guard (feature 2);

"generating a notification when a change has been detected" at Features of ID Guard (feature 1-2);

"receiving the notification at the destination" at " at Features of ID Guard (feature 2).

Warning Systems does not explicitly teach "reviewing the change" however Duhon does teach this limitation at paragraph 47-48. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to enable users to make better decisions about credit changes (paragraph 47, lines 10-11).

Warning Systems and Duhon do not explicitly teach substantially contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7 and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to protect the user from fraudulent access attempts (paragraph 6, last 2 lines).

Warning Systems Duhon and Shteyn do not explicitly teach adapted to continuously monitor however Schnall does teach this limitation at parg. 28,, lines 4-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to monitor financial status (parg. 33, lines 9-11).

As per claim 20 same as claim arguments above and Duhon teaches:

"wherein the destination is a user-computing device" at fig.6.

As per claim 38 same as claim arguments above and Warning Systems teach

providing a warning regarding the change to the credit reporting database at Features of

ID Guard.

12. Claims 7,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Duhon (US 2001/0011245 A1) and "New Privista Product Provides Early Warning

System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save

Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and

Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of

Schnall et al (2002/0116322) and further in view About ID Guard", January 24, 2001.

As per claim 7 same as claim arguments above and Warning Systems teaches

"sending an e-mail notification to the user" at Features of ID Guard (feature2). Warning

Systems does not explicitly teach "displaying the change to the user" however About ID

Guard does teach this limitation at "How ID Guard Works." Thus it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine Duhon,

Warning Systems and About ID Guard to alert the user to signs of fraud (line 2).

As per claim 13 same as claim arguments above and Warning Systems teaches

"sending an e-mail notification to the user" at Features of ID Guard (feature2). Warning

Systems does not explicitly teach "wherein the e-mail has a link to a display web site"

however About ID Guard does teach this limitation at "How ID Guard Works." Thus it would

have been obvious to one of ordinary skill in the art at the time of the invention to combine

the cited references to alert the user to signs of fraud (line 2).

13.   Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon

(US 2001/0011245 A1) and "New Privista Product Provides Early Warning System to

Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in

Lost Revenue", October 23, 2000 (hereafter, Warning System) and Shteyn (US

Patent Application Publication, Pub. No.: US 2002/0133462) in view of "About ID

Guard", January 24, 2001 in view of Schnall et al (2002/0116322) and further in view

of PrivacyGuard.com", December 11, 2000.

        As per claim 8 same a claim arguments above and Duhon, Warning Systems,

Shteyn and About ID Guard do not explicitly teach "providing the user with an investigation

request procedure" however PrivacyGuard does teach this limitation at lines 17-18,26-28.

Thus it would have been obvious to one of ordinary skill in the art to combine the cited

references to provide a means to correct inaccuracies in the credit file (lines 17-18).

14.   Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon

(US 2001/0011245 A1) and "New Privista Product Provides Early Warning System to

Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in

Lost Revenue", October 23, 2000 (hereafter, Warning System) and Shteyn (US

Patent Application Publication, Pub. No.: US 2002/0133462) in view of Schnall et al

(2002/0116322) and further in view of "Soups Up ID Theft Monitoring Service",

January 26, 2001.

As per claim 17 same as claim arguments above and Duhon, Warning Systems and Shteyn and Schnall do not explicitly teach "further comprising checking the credit file for modification flags" however Soups Up does teach this limitation at line 21-22. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to allow the users to monitor suspicious changes in their credit file at line 15-17.

15. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and Duhon (US 2001/0011245 A1) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of Schnall et al (2002/0116322) and further in view of "PrivacyGuard.com", December 11, 2000 and further**

As per claim 21 same a claim arguments above and Warning Systems, Duhon and Shteyn do not explicitly teach "requesting an investigation on the changes" however PrivacyGuard.com does teach this limitation at lines 17-18,26-28. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to provide a means to correct inaccuracies in the credit file (lines 17-18).

16. **Claims 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October**

23, 2000 (hereafter, Warning System) and CreditCheck Monitoring Service,

December 11, 2000 and Shteyn (US 2002/0133462 A1) in view of Schnall et al

(2002/0116322)..

As per independent claim 26 Warning Systems teaches:

"credit modification monitoring service at line page 1;

"selecting at least one credit-related data element for monitoring" at Features of ID Guard;

"notification, when a change to at least one credit related data element is detected at

Features of ID Guard.

Warning Systems does not explicitly teach "subscribing" or "providing a method of

payment" however CreditCheck does teach these limitations at p.2, last paragraph.

CreditCheck does not explicitly teach "selecting a method of notification, wherein

the method of notification comprises communication substantially contemporaneously"

however Shteyn teaches these limitation at paragraph 4, lines 9-16 and paragraph 5, lines

1-7, paragraph, lines 12-22. Thus it would have been obvious to one of ordinary skill in the

art at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, lines 20-22, last 2 lines).

Warning Systems , CreditCheck and Shteyn do not explicitly teach adapted to

continuously monitor however Schnall does teach this limitation at parg. 28,, lines 4-8. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the cited references to monitor financial status (parg. 33, lines 9-11).

As per claims 27-29,32-34 Warning Systems, CreditCheck, and Shteyn do not explicitly teach "setting a subscription price" however CreditCheck teaches "setting a subscription price" at p.2, last paragraph. Thus it would have been obvious to one of ordinary skill in the art at the time if the invention to combine the references to provide a service which allows the user to be alerted to and catch inaccuracies (paragraph 3).

As per claim 30 same as claim arguments above and Shteyn teaches "selecting a timing of notification" at paragraph 14, lines 16-17.

As per claim 31 same as claim arguments above and Shteyn teaches "wherein the timing of notification may be selected from a group consisting of immediate notification, periodic notification, and upon request notification" at paragraph 14, lines 16-20.

17. Claims 22-24, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over and "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and "About ID Guard", January 24, 2001 and Duhon (US 2001/0011245 A1) and Shteyn (US 2002/0133462 A1) in view of Schnall et al (2002/0116322)..

As per independent claim 22 Warning Systems teaches:

"detecting data changes" at Features of ID Guard (feature 2-3);

"identifying a customer, the customer being a owner for a changed data" paragraph 3, and Feature of ID Guard;

"notifying the customer about the changed data" and Feature of ID Guard (feature 2).

Warning Systems does not explicitly teach "displaying the change to the user"
however About ID Guard does teach this limitation at "How ID Guard Works" Thus it would
have been obvious to one of ordinary skill in the art at the time of the invention to combine
Warning Systems and About ID Guard to alert the user to signs of fraud (line 2).

Warning Systems and About ID Guard do not explicitly teach "credit reporting
database" however Duhon does teach this limitation at fig. 2 (Tuxedo Server). Thus it
would have been obvious to one of ordinary skill in the art at the time of the invention to
combine the cited references to provide an efficient means to store data.

Warning Systems, About ID Guard, and Duhon do not explicitly teach substantially
contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7
and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art
at the time of the invention to combine the cited references to protect the user from
fraudulent access attempts (paragraph 6, last 2 lines).

Warning Systems, About ID Guard, Duhon and Shteyn do not explicitly teach
adapted to continuously monitor however Schnall does teach this limitation at parg. 28,,
lines 4-8. It would have been obvious to one of ordinary skill in the art at the time of the
invention to combine the cited references to monitor financial status (parg. 33, lines 9-11).

As per claim 23 same as claim arguments above and Duhon teaches:
"receiving an identification code, from the customer" and "authenticating the customer" at
paragraph 85.

As per claim 24 same as claim arguments above and Duhon teaches:

"displaying a group of credit related data to the customer" at fig. 6; and

" wherein the group of credit related data consists of a current address, a bankruptcy

indicator, a collections indicator, a legal items indicator, a foreclose indicator, a tax lien

indicator, a garnishment indicator, and an inquiry indicator; and receiving a data selection

from the customer, wherein the customer selects a data from the group of credit related

data" at paragraph 85.

As per claim 39, same as claim arguments above and Warning Systems teaches

receiving a warning from the user regarding the changed data and storing the warning in

the credit reporting database at Features of ID Guard.

**18.   Claims 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over and
"New Privista Product Provides Early Warning System to Combat Identity Theft ID
Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October
23, 2000 (hereafter, Warning System) and "About ID Guard", January 24, 2001 and
Duhon (US 2001/0011245 A1) and Shteyn (US 2002/0133462 A1) in view of
PrivacyGuard.com", December 11, 2000 and further in view of Schnall et al
(2002/0116322).**

As per claim 25 same as claim arguments above and Warning Systems, About ID

Guard, Duhon and Shteyn do not explicitly teach "further providing an investigation

process to the customer" however PrivacyGuard does teach this limitation at lines 17-

18,26-28. Thus it would have been obvious to one of ordinary skill in the art to combine the

cited references to provide a means to correct inaccuracies in the credit file (lines 17-18).

19. **Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and CreditCheck Monitoring Service, December 11, 2000 and Shteyn (US 2002/0133462 A1) in view of Schnall et al (2002/0116322) and further in view of Banerjee et al. (US 2002/0194143).**

As per claims 40 same as claim arguments above and Warning Systems, CreditCheck and Shteyn do not explicitly teach wherein the subscription price depends on a frequency of the selected notification however Banerjee does teach this limitation at paragraph 72, lines 1-12. Thus it would have been obvious to one of ordinary skill in the art to combine the cited references to reduce charges for those users that are notified less frequently.

20. **Claims 41-49,52-57,59-61,63-64,70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon (US 2001/0011245 A1) and "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462).**

As per claim 41 Duhon teaches:

at least one server storing at least part of the credit reporting database, the credit

reporting database having a plurality of entries, at least one of the entries having a

plurality of elements, wherein each element can be modified by a datum collected from

a plurality of credit reporting agencies at fig. 2, (Tuxedo Server);

   Duhon does not explicitly teach and at least one computer program residing in a

computer-readable memory in the server, the at least one computer program adapted to

monitor the modifications to at least one element selected by the user, report when at

least a first type of modification to the at least one element occurs, send a

notification...with when the first type of modification to the at least one element occurs,

to the user that the first type of modification has occurred, report when at least a second

type of modification to the at least one element occurs, and send a notification ...with

when the second modification to the at least one element occurs, to the user that the

second modification has occurred however Warning System does teach these

elements at the section entitled "Features of ID Guard". Thus it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the cited

references to provide a means to alert the consumers of potential identity theft (Warning

System, lines 5-6).

     Duhon and Warning Systems do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

As per claims 42 ,71 Warning Systems teaches:

wherein the first type of modification comprises an erroneous modification to the at least

one element and the second type of modification comprises a correction of the

erroneous modification to the at least one element at the section entitled "Features of

ID Guard", system notifies user when change occurs.

As per claim 43 same as claim arguments above and Shteyn teaches "wherein the

at least one computer program capable of sending the notification to more than one

destination specified by the user" at paragraph 4, lines 9-16.

As per claim44 same as claim arguments above and Duhon teaches:

"wherein the plurality of elements correspond to at least a current address, a bankruptcy

indicator, and a tax lien indicator" at paragraph 46, lines 13,17.

As per claim45 same as claim arguments above and Warning system teaches:

"at least one computer program comprises an e-mail server" at the section entitled

"Features of ID Guard".

As per claim 46 same as claim arguments above and Warning Systems teach

wherein the communication module is capable of receiving an instruction from the user to

place a warning on an element in the credit reporting database at Features of ID Guard.

As per claim 47 Duhon teaches:

a credit reporting database at fig.2 (tuxedo server);

the plurality of credit related data elements in the credit reporting database are collected

from a plurality of financial institutions at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach monitoring modifications on a plurality of credit

related data elements and wherein, the modifications being at least partially definable

by a user, obtaining a selection of at least one credit related data element from the

user," monitoring the at least one credit related data element selected by the user,

notifying the user about a first type of modification to the at least one credit related

data element ... with when the first type of modification occurs; and notifying the user

about a second type of modification to the at least one credit related data element with

when the second type of modification occurs at lines 20-25 and Features of ID Guard.

Thus it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the cited references to provide a means to alert the consumers of

potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

As per claims 48 ,57 Warning System teaches:

wherein the first type of modification comprises an erroneous modification to the at least

one credit related data element and the second type of modification comprises a

correction of the erroneous modification to the at least one credit related data element

at the section entitled "Features of ID Guard", system notifies user when change

occurs.

As per claim 49 same as claim arguments above and Duhon teaches:

prompting the user for an identification code and identifying the user at paragraph 85.

As per claim 52 same as claim arguments above and Shteyn teaches sending a

paging signal to the user at paragraph 4, lines 9-16.

As per claim 53 same as arguments above and Duhon teaches:

sending a credit change information through a secure transmission media at paragraph

85, lines 6-8.

As per claim 54 same as claim arguments above and Duhon teaches:

wherein the at least one credit related data element is selected from a group consisting of

a current address, a bankruptcy indicator, a collections indicator, a legal items indicator, a

foreclose indicator, a tax lien indicator, a garnishment indicator, and an inquiry indicator at

paragraph 85.

As per claim 55 same as claim arguments above and Warning Systems teach

receiving a warning from the user regarding at least credit related data element at

Features of ID Guard.

As per independent claim 56 Duhon teaches:

a credit reporting database at fig.2 (tuxedo server);

the plurality of credit related data elements in the credit reporting database are collected

from a plurality of financial institutions at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach monitoring changes on a plurality of credit related

data elements and the changes being at least partially definable by a user, allowing the

user to make a selection of at least one credit related data element to watch, generating a

credit file for the user, the credit file having the plurality of credit related data elements,

comparing the plurality of credit related data elements in the credit file with the selection,

and comparing the plurality ....with the selection, if the selection has a first type ...

notifying the user ... however Warning Systems does teach monitoring changes on a

plurality of credit related data elements at lines 20-25 , the changes being at least

partially definable by a user at Features of ID Guard (feature 3), allowing the user to make

a selection of at least one credit related data element to watch at Features of ID Guard

(feature 3), generating a credit file for the user, the credit file having the plurality of credit

related data elements at lines 20-25,comparing the plurality ... with the selection and if the

selection has a credit related data element that is in the credit file, notifying the user at

Features of ID Guard (feature 2-3). Thus it would have been obvious to one of ordinary

skill in the art at the time of the invention to combine the cited references to provide a

means to alert the consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 59 same as claim arguments above and Warning Systems teaches:

"further comprising modifying the selection" at Features of ID Guard (feature 3-4).

As per claim 60 same as claim arguments above and Shteyn teaches "wherein the

notifying step further comprises sending a notification to a wireless communication device"

at paragraph 4, lines 9-16.

As per claim 61 same as claim arguments above and Shteyn "wherein the

notifying step further comprises sending a notification to a personal digital assistant" at

paragraph 4, lines 8-9.

As per claim 63 same as claim arguments above and Duhon teaches:

"wherein the at least one credit related data element is selected from a group consisting of

a current address, a bankruptcy indicator, a collections indicator, a legal items indicator, a

foreclose indicator, a tax lien indicator, a garnishment indicator, and an inquiry indicator" at

paragraph 85.

As per claim 64 same as claim arguments above and Warning Systems teach

receiving a warning from the user regarding at least credit related data element in the

credit file at Features of ID Guard.

As per independent claim 70 Duhon teaches:

"a credit reporting database" at fig.2 (tuxedo server);

"the data in the credit reporting database are collected from a plurality of financial

institutions" at fig.2 and paragraph 6, lines 1-7, paragraph 12;

Duhon does not explicitly teach "monitoring data modifications" and detecting

data changes...", "identifying the customer..." and "notifying the customer.. displaying the

data changes however Warning Systems" does teach these limitations at lines 20-25 ,

Features of ID Guard Thus it would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the cited references to provide a means to alert the

consumers of potential identity theft (Warning System, lines 5-6).

Duhon and Warning Systems do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

As per claim 72 same as claim arguments above and Duhon teaches:

"prompting the user for an identification code" and "identifying the user" at paragraph

85.

As per claim 73 same as claim arguments above and Duhon teaches:

"displaying a group of credit related data to the customer" at fig. 6; and

" wherein the group of credit related data consists of a current address, a bankruptcy

indicator, a collections indicator, a legal items indicator, a foreclose indicator, a tax lien

indicator, a garnishment indicator, and an inquiry indicator; and receiving a data selection

from the customer, wherein the customer selects a data from the group of credit related

data" at paragraph 85.

Duhon does not explicitly teach receiving a data selection from the customer,

wherein the customer selects a data from the group of credit related data however

Warning Systems does teach this limitation at Features of ID Guard. Thus it would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the

cited references to provide a means to alert the consumers of potential identity theft (Warning System, lines 5-6).

21. **Claims 50,58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhon (US 2001/0011245 A1) and "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of "About ID Guard", January 24, 2001.**

     As per claim 50 same as claim arguments above and Warning Systems teaches "sending an e-mail notification to the user" at Features of ID Guard (feature2). Warning Systems does not explicitly teach "displaying the change to the user" however About ID Guard does teach this limitation at "How ID Guard Works." Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to alert the user to signs of fraud (line 2).

     As per claim 58 same as claim arguments above and Warning Systems teaches "sending an e-mail notification to the user" at Features of ID Guard (feature2). Warning Systems does not explicitly teach "wherein the e-mail has a link to a display web site" however About ID Guard does teach this limitation at "How ID Guard Works." Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to alert the user to signs of fraud (line 2).

22.   Claims 51,74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Duhon (US 2001/0011245 A1) and "New Privista Product Provides Early Warning

System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save

Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and

Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of

"About ID Guard", January 24, 2001 and further in view of PrivacyGuard.com",

December 11, 2000.

        As per claim 51 same a claim arguments above and Duhon, Warning Systems,

Shteyn and About ID Guard do not explicitly teach "providing the user with an investigation

request procedure" however PrivacyGuard does teach this limitation at lines 17-18,26-28.

Thus it would have been obvious to one of ordinary skill in the art to combine the cited

references to provide a means to correct inaccuracies in the credit file (lines 17-18).

        As per claim 74-75 same a claim arguments above and Duhon, Warning Systems,

Shteyn d0 not explicitly teach providing an investigation process to the customer

however PrivacyGuard does teach this limitation at lines 17-18,26-28. Thus it would

have been obvious to one of ordinary skill in the art to combine the cited references to

provide a means to correct inaccuracies in the credit file (lines 17-18).

23.   Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Duhon (US 2001/0011245 A1) and "New Privista Product Provides Early Warning

System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save

Companies in Lost Revenue", October 23, 2000 (hereafter, Warning System) and

Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462) in view of

"Soups Up ID Theft Monitoring Service", January 26, 2001.

   As per claim 62 same as claim arguments above and Duhon, Warning Systems and

Shteyn do not explicitly teach "further comprising checking the credit file for modification

flags" however Soups Up does teach this limitation at line 21-22. Thus it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine the cited

references to allow the users to monitor suspicious changes in their credit file at line 15-

17.

24.   **Claim 65-67,69 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over "New Privista Product Provides Early Warning System to Combat Identity

Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenue",

October 23, 2000 (hereafter, Warning System)and Duhon (US 2001/0011245 A1)

and Shteyn (US Patent Application Publication, Pub. No.: US 2002/0133462)

   As per independent claim 65 Warning Systems teaches:

"inputting a selection of at least one credit related data element for monitoring" at Features

of ID Guard (feature 3);

"providing a destination" at Features of ID Guard (feature 2);

"generating a first notification ...first type of change ...is detected" and "generating a

second notification" at Features of ID Guard (feature 1-2);

 "receiving the notification at the destination" and "second notification" at Features of ID

Guard (feature 2).

Warning Systems does not explicitly teach "reviewing the change" and credit

reporting database however Duhon does teach this limitation at paragraph 47-48,fig.2.

Thus it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the cited references to enable users to make better decisions about

credit changes (paragraph 47, lines 10-11).

Warning Systems and Duhon do not explicitly teach substantially

contemporaneously... however Shteyn does teach this limitation at paragraph 5, lines 1-7

and paragraph 6, lines 12-22. It would have been obvious to one of ordinary skill in the art

at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, last 2 lines).

Warning Systems Duhon and Shteyn do not explicitly teach adapted to continuously

monitor however Schnall does teach this limitation at parg. 28,, lines 4-8. It would have

been obvious to one of ordinary skill in the art at the time of the invention to combine the

cited references to monitor financial status (parg. 33, lines 9-11).

As per claims 66 Warning System teaches:

wherein the first type of modification comprises an erroneous modification to the at

least one credit related data element and the second type of modification comprises a

correction of the erroneous modification to the at least one credit related data element

at the section entitled "Features of ID Guard", system notifies user when change

occurs.

As per claim 67 same as claim arguments above and Duhon teaches:

"wherein the destination is a user-computing device" at fig.6.

As per claim 69 same as claim arguments above and Warning Systems teach

providing a warning regarding the change to the credit reporting database at Features of

ID Guard.

25.   Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over "New

Privista Product Provides Early Warning System to Combat Identity Theft ID Guard

to Build Consumer Confidence, Save Companies in Lost Revenue", October 23,

2000 (hereafter, Warning System) and Duhon (US 2001/0011245 A1) and Shteyn (US

Patent Application Publication, Pub. No.: US 2002/0133462) in view of

"PrivacyGuard.com", December 11, 2000 .

As per claim 68 same a claim arguments above and Warning Systems, Duhon

and Shteyn do not explicitly teach "requesting an investigation on the changes" however

PrivacyGuard.com does teach this limitation at lines 17-18,26-28. Thus it would have been

obvious to one of ordinary skill in the art to combine the cited references to provide a

means to correct inaccuracies in the credit file (lines 17-18).

26.   Claims 76-85 are rejected under 35 U.S.C. 103(a) as being unpatentable

over "New Privista Product Provides Early Warning System to Combat Identity

Theft ID Guard to Build Consumer Confidence, Save Companies in Lost

Revenue", October 23, 2000 (hereafter, Warning System) and CreditCheck

Monitoring Service, December 11, 2000 and Shteyn (US 2002/0133462 A1) .

As per independent claim 76 Warning Systems teaches:

"credit modification monitoring service at line page 1;

"selecting at least one credit-related data element for monitoring" communication...second

type of change ... at Features of ID Guard;

"notification... when a first type to at least one credit related data element is detected at

Features of ID Guard.

Warning Systems does not explicitly teach "subscribing" or "providing a method of

payment" however CreditCheck does teach these limitations at p.2, last paragraph.

CreditCheck does not explicitly teach "selecting a method of notification, wherein

the method of notification comprises communication substantially contemporaneously"

however Shteyn teaches these limitation at paragraph 4, lines 9-16 and paragraph 5, lines

1-7, paragraph, lines 12-22. Thus it would have been obvious to one of ordinary skill in the

art at the time of the invention to combine the cited references to protect the user from

fraudulent access attempts (paragraph 6, lines 20-22, last 2 lines).

As per claim 77 Warning System teaches:

wherein the first type of modification comprises an erroneous modification to the at least

one credit related data element and the second type of modification comprises a

correction of the erroneous modification to the at least one credit related data element

at the section entitled "Features of ID Guard", system notifies user when change

occurs.

As per claims 78-80,83-85 Warning Systems, CreditCheck, and Shteyn do not

explicitly teach "setting a subscription price" however CreditCheck teaches "setting a

subscription price" at p.2, last paragraph. Thus it would have been obvious to one of

ordinary skill in the art at the time if the invention to combine the references to provide a

service which allows the user to be alerted to and catch inaccuracies (paragraph 3).

As per claim 81 same as claim arguments above and Shteyn teaches "selecting

a timing of notification" at paragraph 14, lines 16-17.

As per claim 82 same as claim arguments above and Shteyn teaches "the timing

of notification may be selected from a group consisting of immediate notification, periodic

notification, and upon request notification" at paragraph 14, lines 16-20.

27.Claims 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over

"New Privista Product Provides Early Warning System to Combat Identity Theft ID

Guard to Build Consumer Confidence, Save Companies in Lost Revenue", October

23, 2000 (hereafter, Warning System) and CreditCheck Monitoring Service,

December 11, 2000 and Shteyn (US 2002/0133462 A1) in view of Banerjee et al. (US

2002/0194143).

As per claim 86 same as claim arguments above and Warning Systems,

CreditCheck and Shteyn do not explicitly teach wherein the subscription price depends

on a frequency of the selected notification however Banerjee does teach this limitation

at paragraph 72, lines 1-12. Thus it would have been obvious to one of ordinary skill in

the art to combine the cited references to reduce charges for those users that are

notified less frequently.

Response to Arguments

28.   Applicant's arguments filed January 18, 2005 have been fully considered but they are not persuasive.

29.   Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

30. Applicant argues prior art of record fails to teach the new limitation of continuously monitoring. Schnall does teach this limitation at parg. 28, lines 4-8. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to monitor financial status (parg. 33, lines 9-11).

Conclusion

31.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-4117. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107 The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquires and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan

2/8/2005

Primary Examiner